

Public Chapter 461

HOUSE BILL NO. 798

By Representatives Jackson, Stamps, Godsey, Goins, Mumpower, Cooper, Boner, Hassell, Scroggs, Haley, Pleasant, Ford, Patton, McDaniel, Beavers, Brooks

Substituted for: Senate Bill No. 1552

By Senators Rochelle, Fowler, Springer, Crowe, Crutchfield, Dixon, Harper, Graves, Haynes, McNally, Burks, Williams

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, relative to the "Sexual Offender Registration and Monitoring Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as an appropriately numbered new section:

(a) The General Assembly finds and declares that:

(1) Sexual offenders pose a high risk of engaging in further offenses after release from incarceration or commitment, and protection of the public from these offenders is a paramount public interest;

(2) It is a compelling and necessary public interest that the public have information concerning persons convicted of sexual offenses collected pursuant to this chapter to allow members of the public to adequately protect themselves and their children from these persons;

(3) Persons convicted of these sexual offenses have a reduced expectation of privacy because of the public's interest in public safety;

(4) In balancing the offender's due process and other rights against the interests of public security, the General Assembly finds that releasing information about sexual offenders under the circumstances specified in this section will further the primary governmental interest of protecting vulnerable populations from potential harm;

(5) The registration of sexual offenders and the public release of specified information about sexual offenders will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems that deal with these offenders;

(6) To protect the safety and general welfare of the people of this State, it is necessary to provide for continued registration of sexual offenders and for the public release of specified information regarding sexual offenders. This policy of authorizing the release of necessary and relevant information about sexual offenders to members of the general public is a means of assuring public protection and shall not be construed as punitive; and

(7) The General Assembly also declares, however, that in making information available about certain sexual offenders to the public, it does not intend that the information be used to inflict retribution or additional punishment on any such sexual offender.

SECTION 2. Tennessee Code Annotated, Section 40-39-106, is amended by adding the following new subsections (e) and (f) and by relettering present subsection (e) accordingly:

(e) For all sexual offenses committed on or after July 1, 1997, the information concerning a registered sexual offender set out in subparts (1)--(9) of this subsection shall be considered public information. In addition to making such information available in the same manner as other public records, the bureau shall prepare and place the information on the State of Tennessee's internet home page on or before January 1, 1998. This information shall become a part of the Tennessee Internet Criminal Information Center when such center is created within the bureau. The bureau shall also establish and operate a toll-free telephone number, to be known as the "Tennessee Internet Criminal Information Center Hotline", to permit members of the public to call and inquire as to whether a named individual is listed among those who have registered as sexual offenders as required by this chapter. The following information concerning a registered sexual offender is public:

(1) the offender's complete name as well as any aliases;

(2) the offender's date of birth;

(3) the sexual offense or offenses of which the offender has been convicted;

(4) the street address including the house number, county, city and ZIP code area in which the offender resides, or if the offender does not reside in a city, the county, rural route and ZIP Code area where the offender resides;

(5) the offender's race and gender;

(6) the date of the last verification of information by the offender;

(7) the most recent photograph of the offender that has been submitted to the TBI sexual offender registry;

(8) the offender's driver's license number and issuing state; and

(9) the offender's parole/probation office.

(f) The Tennessee Bureau of Investigation shall have the authority to promulgate any necessary rules to implement and administer the provisions of this section. Such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. Tennessee Code Annotated, Section 40-39-103, is amended by inserting the following between the first and second sentences:

A person who is placed on probation or parole in another State for an offense that would be a sexual offense in this State and who is residing in this State

pursuant to the Compact for Out-of-State Supervision codified in Tennessee Code Annotated, Title 40, Chapter 28, Part 4, shall be subject to the same registration and monitoring requirements of this chapter as a person placed on probation or parole for a sexual offense in this State.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.